COLLABORATION

COMMITMENT

COMPASSION

COURAGE

CURIOSITY

Understanding Research Non-Compliance

Definitions, Categories, & Procedures

IRB Board Education

March 2025

Our mission is to improve the health of the communities we serve.

CARILION CLINIC

Non-compliance

Any intentional or unintentional activity associated with the conduct or oversight of research involving human participants that fails to comply with the research plan as approved by…

- designated IRB
- federal regulations
- institutional policies

Broad Examples

- Beginning exempt research without institutional approval/IRB determination
- Continuing research after expiration date or during protocol suspension
- Deviating from the IRB-approved protocol
- Not obtaining required informed consent
- Using expired/outdated consent forms
- Modifying non-exempt protocols without IRB approval (except to eliminate immediate hazards)

Categories of Non-compliance

Serious Non-compliance

- Significantly increases risks to participants or others
- Adversely affects rights, welfare, or safety of participants
- Significantly decreases potential benefits
- Results in detrimental change to participant's condition
- Compromises scientific integrity or validity

*IRB does not have to find that harm has occurred, or way likely to occur, to make a determination of serious non-compliance.

Continuing non-compliance

- Pattern of ongoing activities showing lack of understanding or disregard for requirements
- Second or greater offense of the same type (single protocol or across multiple protocols)
- Repeated issues with inadequate corrective actions

Protocol Deviation
(may or may not be non-compliance)

- Departure from approved protocol with:
  - No substantive effect on risks to participants
  - No substantive effect on scientific integrity
  - No impact on data accuracy/reliability

Protocol Violation
(non-compliance)

- Departure from approved protocol that:
  - Harms or increases risk to participants
  - Compromises scientific integrity
  - Reduces data accuracy/reliability

Unanticipated Problems

An event that meets **all three** criteria:

1. Unexpected in nature, severity, or frequency
2. Related or possibly related to research participation
3. Suggests greater risk of harm than previously known or results in actual harm

Examples:

- Serious adverse events
- Privacy/confidentiality breaches
- Medication/lab errors affecting participant safety
- Investigator disqualification
- Change in status of participant that affects their eligibility to remain in study
- New information changing risk-benefit assessment

IRB's Responsibility

If information received indicates non-compliance that is potentially **serious and/or continuing, and/or an unanticipated problem based on the definitions provided,** the final assessment and determination will be made by board action within a convened IRB meeting, where the board members vote to take action.

IRB & HRPO Considerations

- Allow PI to discuss issues of non-compliance at next board meeting
- Require protocol/consent modifications
- Mandate additional education for research team
- Require more frequent/detailed reporting, which may include verification from sources other than investigator
- Suspend subject enrollment in current/other studies
- Terminate current/other projects of investigator
- Withhold future project proposed by investigator
- Notify current participants of issues affecting continued participation
- Require re-consent from current participants
- Provide additional information to past participants
- Monitor research/consent processes
- Suspend IRB approval for a portion or all of research
- Disqualify investigator(s) from human subjects research at Carilion
- Refer to other organizational entities (legal counsel, ancillary committees, Institutional Official)
- Require disclosure to publisher
- Implement other corrective actions
- Take no action (if appropriate)

Timeframes

- **Principal Investigators** must submit Promptly Reportable Information (PRI) form within 7 business days of identification
- **HRPO/IRB** must report serious/continuing non-compliance to regulatory agencies within 30 business days

Summary

- Primary consideration should always be participant safety
- Corrective actions should be proportional to the nature, severity, and frequency of non-compliance
- All non-compliance evaluation should consider if criteria for unanticipated problems apply
- Education is goal of non-compliance review

References

Carilion Clinic Institutional Review Board. (2025). Conduct of Research: Non-Compliance, Suspension, Termination, Unanticipated Problem (SOG 6.4).